(28)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: - Hon'ble Shri S.R. NAYAK, CJ

WRIT PETITION NO.5530 OF 2005

Petitioner:

Smt. Husna Bano W/o – Yakub Ali,
aged about 32 years,
R/o Village – Parsapali,
Tahsil – Champa,
District – Janjgir-Champa (C.G.).

VERSUS

Respondents:

1. State of Chhattisgarh
Through: The Collector, Janjgir,
District – Janjgir-Champa (C.G.)

2. The Additional Collector, Janjgir
District –Janjgir– Champa (C.G.),

3. The Sub Divisional Officer,
(Revenue) Champa, District –
Janjgir-Champa (C.G.)

4. Smt. Yashodhara Karsh, W/o
Motilal Karsh, Age about – 22
years, R/o Village –Parsapali,
Tahsil – Champa, District –
Janjgir – Champa (C.G.)

5. Smt. Anusuiya Bai W/o . Dorilal,
Aged about – 33 years, Caste –
Teli, R/o. Village – Parsapali,
Tahsil – Champa, District –
Janjgir- Champa (C.G.).

6. Smt. Amrit Bai, W/o Chobhilal,
Age – 30 years, Caste – Bareth,
R/o Village – Sarwani, Tahsil –
Champa, District –Janjgir-Champa
(C.G.).

7. Smt. Kamli Bai, W/o.
Lekheshwarlal Sahu, Aged about
– 35 years, R/o. Village - Sarwani,
Tahsil – Champa, District – Janjgir-
Champa (C.G.).

(29)

8. Smt. Pushpadevi, W/o.Narayan Prasad Yadav, Aged about –22 years, R/o. Village - Sarwani, Tahsil – Champa, District -Janjgir-Champa (C.G.).

9. Smt. Radhika, W/o. Dihulal Sahu, Aged about – 30years, Caste-Teli, R/o. Village - Sarwani, Tahsil – Champa, District – Janjgir- Champa (C.G.).

10. Smt. Lalitabai, W/o. Ganeshram Sahu, Aged about – 25 years, Caste – Teli, R/o. Village - Parsapali, Tahsil – Champa, District–Janjgir- Champa (C.G.).

11. Smt. Seema, W/o. Ajitram Sahu, Aged about –22 years, Caste – Teli, R/o. Village - Sarwani, Tahsil – Champa, District – Janjgir-Champa (C.G.).

12. Smt. Santoshi, W/o. Hemant Kumar, Aged about – 30 years, Caste – Teli, R/o. Village - Parsapali, Tahsil – Champa, District – Janjgir-Champa (C.G.).

13. Presiding Officer, (Shri B.S. Ramaoria), Sub- Engineer, Water Resources Department, Janjgir, Polling Booth No. 40, Prathmik Shala Bhawan – Sarwani, Tahsil – Champa, District – Janjgir-Champa (C.G.)

14. Presiding Officer, Polling Booth No. 41, Prathmik Shala Bhawan – Sarwani, Shri P.N. Daharia, Address – Sub Engineer, Water Resources Department, Janjgir, District – Janjgir-Champa (C.G.)

15. Presiding Officer, Polling Booth No. 42, Middle School – Sarwani, Shri P.L. Sahu, Sub Engineer, Water Resources Department, Janjgir, Gram Panchayat Election Sarwani, Tahsil – Champa, District – Janjgir-Champa (C.G.)

(30)

16. Presiding Officer, Polling Booth No. 43, Prathmik Shala Bhawan – Sarwani, Shri Vijay Dubey, A.D.E.O., Block Office – Nawagarh, District – Janjgir-Champa (C.G.)

17. Returning Officer (Shri Alok Pandey, Tahsildar – Champa), Gram Panchayat – Sarwani Election, Tahsil – Champa, District – Janjgir-Champa (C.G.)

Present:

Mr. Pushpendra Kumar Patel, learned counsel for the petitioner.

Mr. N.K. Agrawal, learned Deputy Advocate General with Mr. Sandeep Dubey, learned Govt. Advocate for the State/ respondents.

ORDER

(Passed on 23rd of November 2005)

In an Election Petition pending before the Sub Divisional Officer (Revenue), Champa, the petitioner herein moved an application under Order 16 Rules 6 and 7 of the Code of Civil Procedure and that application was allowed by the Sub Divisional Officer, Champa. The fourth respondent herein, being aggrieved by the said order, has preferred a revision petition to the Additional Collector, Janjgir-Champa. In the said revision petition the petitioner put in appearance and according to learned counsel for the petitioner the petitioner has raised a plea of non maintainability of the revision petition. The revision is pending for adjudication before the Additional Collector, Janjgir-Champa. When the matter stood thus, the present petition is filed under Articles 226 and 227 of the Constitution of India contending that the revision preferred by the fourth respondent herein to the Additional Collector, Janjgir-Champa is not maintainable under the provisions of Chhattisgarh Panchayat Raj Adhiniyam, 1993. There is no need for this Court to decide this question

(31)

at this stage because since the petitioner has raised the plea of non-maintainability of the Revision before the Additional Collector, the Additional Collector is duty bound to decide that issue. In the event of the Additional Collector ruling against the petitioner, the petitioner can workout further legal remedies in accordance with law. I am not inclined to entertain this Revision Petition at this stage to decide the question now raised before this Court which question is already raised in the revision before the Additional Collector. In that view of the matter, the writ petition is dismissed, however, with no costs.

Sd/-
Chief Justice

Brajesh*